

### **REMARKS**

Applicant requests reconsideration and allowance in view of the foregoing remarks. Claims 1-52 are pending, with claims 1, 19, 20, 25, 29, 34, and 39 being independent. Claims 1, 19, 20, 25, 29, 34, and 39-42 have been amended and claims 46-52 have been added. No new matter has been introduced.

### **Rejections based on Leeds and Drummond**

Claims 1, 9, 20, 25, 33, and 34 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,393,465 ("Leeds"). Claims 2, 3, 5-7, 9-15, 17, 22, 23, 26, 27, 29-31, 36, 40, 41, and 43 have been rejected as being rendered obvious over Leeds in view of U.S. Patent No. 6,691,156 to Drummond et al., ("Drummond"). These rejections are obviated by amendments to the claims.

As amended, independent claim 1 now recites "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages." Both Leeds and Drummond alone and in combination fail to describe or suggest such features.

Leeds is directed to a spam filtering system. As noted in the abstract, Leeds uses a scoring system to determine whether incoming mail can be deleted. See Fig. 6b (a rating is assigned a message and used to process the message); see also Col. 4, ll. 55-60 (a score of 100 can be used to trigger automatic deletion of a message). It is important to note that the scoring system in Leeds performs analytical operations before the user perceives a message. Leeds does not describe how a message is presented to a user nor how presentation of a message is based on the message-processing operations that are performed. As such, Leeds does not describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages," as recited by amended claim 1.

Drummond also is directed to a spam filtering system. In particular, Drummond blocks email messages from senders that do not appear in a user's address book. As such, Drummond

merely allows a message meeting the address book criteria to be processed as an electronic mail message. Merely processing an electronic mail message does not modify the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages. Because Drummond does not disclose modifying the electronic data with endorsement information, let alone "modify the electronic data ... so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages", Drummond does not meet the amended limitation recited in claim 1.

Furthermore, while noting that differences exist between the amendment to claim 1 and claims 40 and 41, Applicant observes that the Appeal Brief of September 15, 2005 already addressed Drummond's inability to visually distinguish between endorsed messages and nonendorsed messages. In its discussion of claims 40 and 41, the most recent Office Action did not address Applicant's remarks in the Appeal Brief on this point, and instead cited to Drummond, Col. 2, ll. 37-56 to reject claims 40 and 41. The cited portion appears below.

According to a preferred embodiment, a list of approved addresses is maintained at the e-mail server for each user, preferably without requiring the user's interaction. The address of any outbound e-mail sent from an e-mail client is automatically added to the user's approved address list. An inbound e-mail having a sending address that is seen for the first time is delivered to a holding queue instead of being delivered to the intended recipient. The server responds to the inbound e-mail by issuing an e-mail back to the unknown sending address, requesting a return acknowledgement. If the acknowledgement is received within a given time period, the e-mail is released from the holding queue and delivered to the intended recipient. If, however, an acknowledgement is not received within the given time period, it is flushed from the holding queue. Using this method, spam e-mail accumulates in the user's holding queue instead of being delivered to the user's inbox because spamming is typically accomplished by automated routines that cannot or do not respond to the e-mail's server's request for acknowledgement.

As shown above, Drummond only references the routine delivery of email into an inbox. Drummond does not distinguish between endorsed messages and nonendorsed messages as the endorsed messages are presented to the user. The significance of this distinction may be profound in a variety of contexts. For example, insofar as Applicant's system may be configured to combat fraudulent imposters posing as system administrators, the features recited in claim 1 may be used to provide a visual indication that a sensitive message has been endorsed by an ISP administrator, and thus, can be relied upon.

Because both Leeds and Drummond fail to disclose or suggest modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages, as recited by claim 1, Applicant

respectfully requests withdrawal of the rejection of claims 1, and claims 2-18 and 40-45 depending therefrom.

Claims 19-39 recite limitations that are similar to those discussed above for the purpose of the rejection raised with respect to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claims 19, 20, 25, 29, 34, and 39 and claims 21-24, 26-28, 30-33, and 35-39, which depend from their respective independent claims.

Furthermore, like Leeds and Drummond, none of the references used in making the obviousness rejection describe or suggest "modifying the electronic data with endorsement information so that presentation of the electronic data visually distinguishes endorsed messages from nonendorsed messages." Accordingly, the rejections based on these references also should be withdrawn.

The \$1020 fee for the Petition for Extension of Time is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

5/30/2001



\_\_\_\_\_  
Thomas A. Rozylowicz  
Reg. No. 50,620

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331